

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/699,749
Applicant: Loren D. Mock
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Examiner: Blair M. Johnson

Confirmation No. 4254

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Customer No.: 30166

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF RICHARD A. BRENNER UNDER 37 CFR 1.132

1. My name is Richard A. Brenner and I am employed as the Chief Executive Officer of Amarr Company ("Amarr"), assignee of the above-referenced patent application. I have overall responsibility for all aspects of Amarr's business, including, finance, information systems, sales, marketing, operations, manufacturing, production and engineering. I have worked in the garage door industry for 23 years.
2. I am submitting this Declaration in support of a showing of commercial success of the above-referenced invention.
3. Amarr was established in 1951 in Winston-Salem, NC. Amarr manufactures a complete line of sectional overhead garage doors for both the residential and commercial market in its Lawrence, Kansas; Whitehouse, NJ; Mocksville, NC; and Monterrey, Mexico manufacturing facilities. Amarr's doors are sold by independent dealers and retailers, who receive service from Amarr's company-owned distribution centers located throughout the United States. Amarr produces a variety of overhead doors that have the appearance of traditional

carriage house doors, including metal sectional doors with overlaid wooden facades, and embossed all-metal sectional overhead doors.

4. Amarr's steel carriage house ("SCH") doors were first introduced in 2004, and were the first three-section over-head garage doors in the world to have a carriage house look rendered in 100% pre-painted steel. Amarr's all-metal, sectional carriage house doors are described and claimed in the subject patent application, and are shown and described in the *Amarr Classica Collection*® brochure attached as Exhibit 1.

5. In 2005, Lowe's Home Improvement ("Lowe's"), one of the largest U.S. retailers of building supplies, decided to begin selling Amarr's SCH door. Lowe's now sells the SCH product in 1347 stores, which represents 88% of Lowe's total number of retail stores.

6. In 2007, the U.S. market for steel, garage doors was approximately \$1.8 billion. Three companies, Clopay, Overhead Door and Amarr represent approximately 79% of that market.

7. Since the introduction of the SCH door by Amarr, sales of the SCH door as a percentage of Amarr's total residential garage door sales has steadily increased. Set forth below are the sales of Amarr's SCH door as a percentage of Amarr's total residential garage door sales for each of the fiscal years 2004 to 2008¹:

	FY2004	FY2005	FY2006	FY2007	FY2008
SCH Door Sales as a % of Amarr's Total Residential Garage Door Sales	0.5	7.2	11.7	14.4	15.0

8. The increase in the sales of Amarr's SCH doors is not attributable to increased advertising expenditures. Amarr's SCH doors have been advertised exclusively via a limited

¹ Amarr's fiscal year runs from July 1 to June 30.

number of print advertisements. Set forth below is a chart showing Amarr's advertising expenditures for the SCH door as a percentage of Amarr's total sales for each of the fiscal years 2004 to 2008:

	FY2004	FY2005	FY2006	FY2007	FY2008
SCH Door Advertising Expenditures As A % of Total Sales	0.0095%	0.0331%	0.023%	0.0158%	0.00015%

I hereby declare that all statements made herein of my own knowledge are true and that any statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

This is the 9th day of April 2008.


Richard A. Brenner